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SUBJECT: LIBERIA: TRUTH AND RECONCILIATION COMMISSION
LIMPING ALONG

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1.(SBU) SUMMARY: One year into its mandate, the Liberian Truth and Reconciliation Commission has yet to get off the ground, hampered by poor leadership, staffing problems, and a loss of donor confidence. The International Contact Group for Liberia has invested considerable energy to try and get it back on track. Significant progress has been made, the GOL has committed to funding, and Embassy believes the TRC should now be supported financially by the donors as well. END SUMMARY.

Background

2.(U) The Accra Comprehensive Peace Agreement (ACPA) that ended the Liberian Civil War in 2003 provided for the establishment of a Truth and Reconciliation Commission (TRC) to "provide a forum that will address issues of impunity, as well as an opportunity for both the victim and the perpetrators of human rights violations to share their experiences, in order to get a clear picture of the past to facilitate genuine healing and reconciliation". Having gotten off to a false start under the transitional government, the TRC was reconstituted by the Johnson Sirleaf administration in March 2006. Given a mandate of 27 months to complete its work the TRC has in effect wasted a year. After an initial preparatory period and the beginning of statement taking from victims of the conflict, the process came to a halt in January. A loss of donor confidence in the management and financial responsibility of the TRC means that most funding has dried up. The local representatives of the International Contact Group for Liberia, as guardians of the ACPA, expressed a number of concerns about the TRC's management of its work. In particular:

- gaps in staffing of the TRC Secretariat
- strategic leadership by the Commissioners
- public awareness of the TRC process and its mandate
- extent of TRC engagement with civil society
- due process and transparency in hiring TRC staff and awarding of contracts
- the role of the International Technical Advisors
- TRC rules and procedures
- transparency of TRC finances

Working Group

3.(SBU) A Joint Working Group of the ICGL and the TRC was established in March 2007 to address the problems. Over the course of more than four months - during which work to fulfill the mandate of the TRC has been suspended - this group has reviewed all aspects of the TRC's management and working practices. It has:

- drawn up a revised work program and budget, prioritizing activities and reducing the predicted total cost of the TRC by more than 50%.

- worked with the International Center for Transitional Justice to produce more consistent public messages

- drawn up a strategy for mass public engagement

- facilitated agreement with civil society organizations on their support to the TRC

- worked on a plan to provide security to protect the TRC's personnel and to provide witness protection

- developed and implemented a training program for all TRC staff

- gained the Commissioner's agreement to implement the recommendations of a USAID-funded financial audit that was completed in June

MONROVIA 00000864 002 OF 003

- revised the rules and procedures to improve financial controls and accountability

- reviewed the personnel policy and staffing structure of the Commission

4.(SBU) The working group process has been largely led by the UN, UK and US. In addition to wanting the TRC process to succeed on its own merit, members have been concerned that the ICGL would be blamed for the failure of the process. This effort is designed to counter the extensive media campaign by anonymous Commissioners to blame lack of donor support for the TRC's failings. Other donors, in particular the EC, have been more skeptical as to whether the TRC under its current leadership can really produce results and has been reluctant to give the TRC credibility by engaging in the process, let alone funding it, despite the modifications achieved by the working group.

Continuing Fundamental Issues

5.(SBU) The TRC has a broad mandate for its limited lifespan. It is asked to provide a comprehensive narrative of the events surrounding the conflict going back to the Doe coup in 1980, to account for its causes, to provide a platform and recommend restitution for the victims, identify the perpetrators of human rights violations, and make recommendations on prosecution or amnesty. It has no substantive powers to enforce cooperation. (FYI: Most people not connected to the TRC have no idea what it has done and is supposed to do. Outside of Monrovia awareness is almost negligible. END FYI). The nine Commissioners have differing views about priorities within the broad mandate. They are in danger of spreading resources too thinly, and addressing none of their tasks adequately. Personal relations between the 9 Commissioners remain strained and the quality of leadership is poor. Unlike South Africa, there is no unifying figure such as Archbishop Desmond Tutu and Commissioners have

discredited themselves by appearing more concerned with their salary, perks, and privileges than with their mandate. Many victims are fearful of giving testimony as those responsible remain at large, many in positions of power. Ex-combatants are reluctant to participate, fearful of incriminating themselves before the TRC without any clarity on whether they can expect amnesty or not.

6.(SBU) A joint ICGL-TRC meeting is scheduled for July 19 to discuss the results of the Working Group and the TRC's plan for the remainder of its mandate. The TRC has delivered its revised rules and procedures, work plan, budget and mass awareness campaign to the ICGL members on July 17. The TRC hopes to get donor support for its programs.

7.(SBU) COMMENT: The GOL appears ambivalent about the TRC's work. The President has spoken of her support for the Commission, (she inaugurated it with great fanfare in July 2006) and has ensured that the government meets its obligation to pay staff salaries. She recently met with the TRC Commissioners in private to reassure them of her support. However, the GOL feels its position sufficiently precarious that it wishes to take some time in confronting some of the leading figures from the civil war who remain in positions of influence, particularly in the legislature. A weak TRC is a convenient means of parking the issue.

8.(SBU) COMMENT: The process of reconciliation needs to be broader than anything that the TRC will be able to do in the 14 months left in its mandate (11 months for data collection and 3 months for report writing). It will require fundamental changes to provide genuine equality in access to power and economic opportunity, real progress on eradicating corruption and more humility by the educated elite. These are each essential steps toward building a shared Liberian identity. More important, the failure of the TRC, if seen as a consequence of neglect or lack of funding by the international community, would set the process of reconciliation back considerably and provide external scapegoats on which to pin responsibility for domestic political dysfunction. It would also increase domestic and international pressure for a war crimes tribunal, something very likely to be politically destabilizing.

9.(SBU) COMMENT: Bottom Line: With the improvements secured through the Working Group, we believe the TRC has a fighting chance to achieve its fundamental objective of highlighting root causes of the conflict in Liberia and identifying at least some of the perpetrators of gross abuses of human

MONROVIA 00000864 003 OF 003

rights. We are therefore prepared to commit the \$500,000 of FY06 ESF that has been earmarked for the TRC. Other donors, with the probable exception of the EC, also appear prepared to resume funding of TRC activities. END COMMENT.
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